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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,733	06/05/2007	Alfons Eiterer	BEET-17	5509
26875	7590	06/18/2010	EXAMINER	
WOOD, HERRON & EVANS, LLP			HEINRICH, SAMUEL M	
2700 CAREW TOWER			ART UNIT	PAPER NUMBER
441 VINE STREET			3742	
CINCINNATI, OH 45202				

  

MAIL DATE	DELIVERY MODE
06/18/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/595,733	EITERER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Samuel M. Heinrich	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 October 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 19-46 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 19-46 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 October 2009 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 19 now recites "may slide between operating windows of the first and the second laser removal devices". Claim 30 now recites "may be moved between operating windows of the first and the second laser removal devices". The specification has very limited description and simply describes [0040] "it may be moved between the two operating windows". The broader description in the claims was not set forth in the original disclosure.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19-46 “laser removing device” is not a clear description. It may describe a device that removes a laser. This non-idiomatic description is recited numerous times in claims 19-46.

Claim 19, line 10, and claim 30, lines 8 and 9, “by material removal in layers” is not a clear description and it appears to be non-idiomatic language.

Claim 19, line 11 and claim 30, lines 10 and 11, “the laser beam outlets” has no antecedent basis.

Claim 19, line 12 and claim 30, line 11, “in a manner offset against each other” is not a clear description; offset from what?

Claim 19, line 14, and claim 30, last paragraph, “mechanical adjustment axes” are recited, however an axis is merely a location or orientation and it is not an apparatus component.

Claims 19 and 30, “translatory” is non-idiomatic language.

Claim 23, “the laser source” has no antecedent basis.

Claim 24, “characterized by a first control” is not a clear description, “characterized by a second control” is not a clear description. Is a control a controller?

Claim 26 “an interface between the first and second controls” is not a clear description. Is the interface structural or electrical or other?

Claim 29, last line, “quality-switched solid-state laser” is not a clear description. Please provide an example.

The method claims have similar indefinite descriptions and must be thoroughly reviewed and amended in order to provide a distinct description.

All dependent claims contain the unclear descriptions of the independent claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 19-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art (APA) and in view of US20030006221A1 to Hong et al in view of USPN 5,126532 to Inagawa et al in view of USPN 6,827,988 to Krause et al as applied in the last Office action.

APA describes (Specification, Summary of the Invention [0002]-[0003]) well known laser machining comprising both laser drilling and laser material removal from a surface.

Hong et al, Inagawa et al, and Krause et al were described in the last Office action.

The combination of Hong et al with APA would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because plural laser method and apparatus of Hong et al provides fast processing.

Claims 38 and 46 would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because Hong et al shows (Front Page) laser 1 and laser 2 mounted offset in two axes.

Claims 39-45 recite laser parameters which are known in the art and their use would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art depending on the particular workpiece(s) to be machined.

Claims 22, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art (APA) and in view of US20030006221A1 to Hong et al in view of USPN 5,126532 to Inagawa et al in view of USPN 6,827,988 to Krause et al in view of USPN 5,338,645 to Henderson.

The use of the well known feature disclosed by Henderson in machining apparatus and method described above would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art for the reasons described in the last Office action.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art (APA) and in view of US20030006221A1 to Hong et al in view of

USPN 5,126532 to Inagawa et al in view of USPN 6,827,988 to Krause et al in view of USPN 6,562,698 to Manor.

The use of the well known feature disclosed by Manor in machining apparatus and method described above would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art for the reasons described in the last Office action.

***Response to Arguments***

Applicant's arguments with respect to claims 19-47 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP408010970A describes old and well known use of plural lasers for piercing and grooving and describes the use of optimum energy density for performing non-thermal working. JP02220793A describes old and well known plural lasers.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel M Heinrich/  
Primary Examiner, Art Unit 3742